



Senate

General Assembly

File No. 376

February Session, 2014

Substitute Senate Bill No. 246

Senate, April 7, 2014

The Committee on Government Administration and Elections reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROTECTION OF STATE AND MUNICIPAL ESSENTIAL RECORDS AND THE PRESERVATION OF ELECTRONIC RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-9 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2014*):

3 No person having custody of any permanent record or register in
4 any department or office of the state, or of any political subdivision
5 thereof, or of any probate district, shall use or permit to be used for
6 recording purposes any paper other than alkaline paper that meets or
7 exceeds the American National Standards Institute standards for
8 permanent paper and meets such additional specifications as may be
9 issued by the Public Records Administrator, unless such paper is not
10 available. [Said administrator shall furnish to each person having
11 custody of any such permanent record a list of such papers.] Any
12 person having custody of such a record or register shall maintain any

13 permanent electronic record in accordance with the authentication and
14 preservation standards for electronic documents issued by the Public
15 Records Administrator. Any person who violates any provision of this
16 section shall be fined not more than one hundred dollars.

17 Sec. 2. (NEW) (*Effective July 1, 2014*) As used in this section, "public
18 agency" and "public record" have the same meanings assigned to such
19 terms in section 1-200 of the general statutes. Each public agency shall
20 designate and maintain an official record copy of each public record as
21 the legally recognized copy for records retention, preservation and
22 authentication purposes in accordance with chapter 188 of the general
23 statutes.

24 Sec. 3. Section 11-8 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective July 1, 2014*):

26 (a) Under the direction of the State Library Board, the State
27 Librarian shall be responsible for developing and directing a records
28 management program for the books, records, papers and documents of
29 all state agencies within the executive department, and the books,
30 records, papers and documents of the several towns, cities, boroughs,
31 districts and other political subdivisions of the state, pursuant to the
32 provisions of section 11-8a. The State Librarian shall also supervise the
33 operation of state records centers; [provide photoduplication and
34 microfilming service and document repair and restoration service for
35 state and local records;] approve security storage facilities, within or
36 [without] outside of the state, or establish and operate such facilities
37 within the state, for the safe storage of original public records or
38 security copies [thereof] of such records; and carry out a program for
39 the identification and [preservation] protection of essential records, as
40 defined in section 4 of this act, of the state and [of] its political
41 subdivisions.

42 (b) The State Librarian shall, with the approval of the State Library
43 Board, and in accordance with the provisions of chapter 54, adopt
44 regulations for the creation and preservation of the records of the
45 several towns, cities, boroughs and districts of the state. Such

46 regulations shall establish the physical characteristics required for
47 papers, inks, [typewriter ribbons, carbon papers, loose-leaf binders,]
48 photographic films, electronic file formats or other supplies and
49 materials, including photographic or other processes for recording
50 documents, used in the creation of public records; and the design,
51 construction and degree of fire resistance required for safes, cabinets []
52 and vaults [and file rooms] in which public records are housed.

53 (c) The State Librarian shall ascertain from time to time whether the
54 provisions of the general statutes and of such regulations relating to
55 the recording, filing, indexing, maintenance and disposition of such
56 records are being carried out. The State Librarian may order any
57 person having the care and custody of such records to comply with
58 such statutes or with such regulations. The State Librarian shall send a
59 copy of such order to the chief administrative officer of the town, city,
60 borough or district to which the records relate. The order shall specify
61 the time within which the order shall be complied with. In setting such
62 time for compliance, the State Librarian shall take into consideration
63 the availability of facilities or equipment or the need for the
64 construction or purchase thereof. The State Librarian may [cause the
65 enforcement of any such order by application] request the Attorney
66 General to apply to the Superior Court [, or to any judge thereof if said
67 court is not then sitting, to issue an appropriate decree or process,
68 which application shall be brought and the proceedings thereon
69 conducted by the Attorney General] for enforcement of such order.

70 [(b)] (d) The State Librarian shall, subject to the provisions of
71 chapter 67, appoint an assistant who shall be the Public Records
72 Administrator. All powers, functions and duties assigned to the
73 Examiner of Public Records are hereby transferred to the Public
74 Records Administrator.

75 Sec. 4. (NEW) (*Effective July 1, 2014*) (a) For the purposes of this
76 section:

77 (1) "Essential record" means a record (A) necessary to (i) respond to
78 an emergency, (ii) reestablish normal operations after any such

79 emergency, (iii) protect the rights and interests of a public agency, or
80 (iv) protect the rights and interests of individuals or entities served by
81 a public agency, or (B) that would require massive resources to
82 reconstruct; and

83 (2) "Public agency" means any state agency within the executive
84 branch and any town, city, borough, district or other political
85 subdivision of the state.

86 (b) In order to provide for the continuity of government during and
87 following a disaster or other emergency, the administrative head of
88 each public agency shall identify such agency's essential records. Not
89 later than January 1, 2015, each such administrative head shall transmit
90 a list of essential records to the Public Records Administrator on a
91 form prescribed by the Public Records Administrator. Each such
92 administrative head shall review such list not less than annually to
93 ensure its completeness, and shall forthwith notify the Public Records
94 Administrator of any revisions made to such list.

95 (c) Each administrative head of a public agency shall ensure the
96 protection of all essential records using any method approved by the
97 Public Records Administrator. Each public agency shall incorporate
98 the protection of essential records into any continuity of operations
99 plan or emergency operations plan adopted by such agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	1-9
Sec. 2	<i>July 1, 2014</i>	New section
Sec. 3	<i>July 1, 2014</i>	11-8
Sec. 4	<i>July 1, 2014</i>	New section

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
All Municipalities	STATE MANDATE - Potential Cost	See Below	See Below

Explanation

The bill results in a potential cost to municipalities to maintain electronic and essential documents in accordance with guidelines set by the public records administrator, to the extent that any guidelines require a change in the recordkeeping practices of municipalities.

There is no fiscal impact to the Connecticut State Library as changes within the bill are procedural in nature with regard to library operations.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 246*****AN ACT CONCERNING THE PROTECTION OF STATE AND MUNICIPAL ESSENTIAL RECORDS AND THE PRESERVATION OF ELECTRONIC RECORDS.*****SUMMARY:**

This bill makes several changes in the statutes affecting state and municipal record preservation. Among other things, it:

1. requires a state, municipal, or probate district official with custody of a permanent electronic record to maintain it in accordance with authentication and preservation standards for electronic documents issued by the public records administrator, and subjects violators to a fine of up to \$100;
2. requires agencies to designate and maintain, for each public record, an official record copy as the legally recognized copy for record retention, preservation, and authentication purposes;
3. requires executive branch agencies and municipalities to identify and protect essential records;
4. updates the list of items for which the state librarian must establish standards;
5. eliminates a requirement that the public records administrator create a list of papers meeting permanent paper standards; and
6. eliminates a requirement that the state librarian provide photoduplication, microfilming, and document repair and restoration services to executive branch agencies and municipalities.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2014

IDENTIFYING AND PROTECTING ESSENTIAL RECORDS

The bill establishes requirements applicable to executive branch agencies and municipalities for identifying and protecting essential records. The bill defines “essential records” as records:

1. necessary to (a) respond to or reestablish normal operations after an emergency, (b) protect agency or municipal rights and interests, or (c) protect the rights and interests of individuals the agencies and municipalities serve; or
2. that would require massive resources to reconstruct.

Under the bill, the administrative head of each executive branch agency and municipality must (1) identify such entity’s essential records and (2) provide to the public records administrator, on a form she prescribes, a list of these records by January 1, 2015 and update it at least annually thereafter.

Administrative heads must safeguard essential records in accordance with the public records administrator’s standards. Each agency and municipality must incorporate the protection of such records into any continuity of operations or emergency operations plan it adopts.

ITEMS FOR WHICH STATE LIBRARIAN MUST ESTABLISH STANDARDS

By law, the state librarian must adopt regulations establishing standards for specified items used to create and store municipal records. The bill updates the list of items by (1) adding electronic file formats and (2) removing typewriter ribbons, carbon papers, loose-leaf binders, and file rooms. As under current law, the state librarian must establish standards for safes and vaults, among other things.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/19/2014)